

FINAL
Lamoine Board of Appeals
Minutes – Meeting 09 May 2017

Recognizing that a quorum is present, Chair Fenton **called the meeting to order** at 18:37 PM.

Present were Appeals Board members Hancock “Griff” Fenton, Michael Jordan, and Jon VanAmringe; Appellants Carol Mason and Mark Harris, and Steve Hesketh, General Contractor at Details, Inc., representing, as well as Lamoine residents Alan and Brenda Moldawer. Board of Appeals Member Jay Fowler who had recused himself from the Appeal joined the meeting following testimony, discussion and decision of the Appeal.

Absent: Code Enforcement Officer Edward “Rick” Gallegos

Minutes from Prior Meeting [28 March 2017]. Mr. Jordan moved to approve the Minutes as presented. Mr. VanAmringe 2nd. Vote in favor was 3-0.

1. Appeal – Mason v. Lamoine Code Enforcement Officer (denial of permit)

Chair Fenton briefly re-introduced the Appeal to the Board. Discussion followed with presentation on topics by participants as follows:

- **Testimony of CEO:** Both Appellants and Board agreed that we should proceed with the hearing in the absence of CEO Gallegos. Mr. Fenton read into the record the CEO’s testimony from 14 February, noting that the CEO and Mr. Harris, representing the Appellants agreed on the dimensions and location of the existing structure and proposed addition.
- **Mark Harris** on behalf of Appellants provided 8 reasons that the Board should find in favor of their appeal. Included on this list was the statement that *within one-quarter mile of their home, there are five structures that are closer to the road, ranging from 15 to 32 feet*. Copies of Appellant’s Rationale, pictures of the five other non-conforming structures, photo of the subject structure and rendering of subject structure with proposed addition are included with these minutes.
- **Carol Mason** mentioned her long relationship to the Lamoine community and further noted that she and Mr. Harris intended to relocate to Maine and become full-year residents.
- Lamoine residents **Alan and Brenda Moldawer** briefly spoke as neighboring property owners in favor of Mason and Harris.
- **Chairman Fenton** mentioned his letter to the Maine Municipal Association, seeking legal and other input to this matter and MMA’s response from Susanne F. Pilgrim, Esq., Director, Legal Services Department. Copies of both documents were provided to Appellants and by unanimous consent are included in the record.

Further discussion among the Members of the Board ensued. The summary of this discussion, Case Summary, Findings of Fact, and Conclusions of Law are included in the Notice of Decision, which is attached.

2. Appeals Board Ordinance – Mr. Fowler re-joined the Appeals Board meeting. Mr. Fenton offered, as example, the *Reorganization of the Town of Mount Desert Zoning Board of Appeals amended 3 May 2016*. It is the Chair's hope that at the next plenary meeting of the Board we can discuss this as well as the 02 December 2015 working draft of the *Town of Lamoine Board of Appeals Ordinance*.

3. Other matters to come before the Board of Appeals – *None*

4. Next meeting date(s) – *Tuesday, 30 May 2017*

There being no further business, on the motion of Mr. Jordan, second by Mr. Fowler, all members voting in favor, the meeting was adjourned at 20:08 PM.

Respectfully submitted,

Jon VanAmringe, Secretary